

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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**WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY**

(PCT Rule 43 bis.1)

Date of mailing

10. MAY 2005 (10.03.2005)

FOR FURTHER ACTION

See paragraph 2 below

Applicant's or agent's file reference

PIY04236PGCN

International application No.

PCT/CN2004/001409

International filing date (day/month/year)

03.Dec.2004 (03.12.2004)

Priority date (day/month/year)

25.May.2004 (25.05.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC 7 : G11B 19/12

Applicant

VIA TECHNOLOGIES, INC et.al

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/

Authorized officer

Wu, xinghua

Facsimile No.

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Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of: international search (under Rules 12.3 and 23.1(b))
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material a sequence listing table(s) related to the sequence listing
 - b. format of material in written format in computer readable form
 - c. time of filing/furnishing contained in the international application as filed. filed together with the international application in computer readable form. furnished subsequently to this Authority for the purposes of search.
3. in addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/CN2004/001409

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

| | | |
|-------------------------------|----------------------|-----|
| Novelty (N) | Claims 1-13 | YES |
| | Claims _____ | NO |
| Inventive step (IS) | Claims 2,3,5,6,10-13 | YES |
| | Claims 1,4,7-9 | NO |
| Industrial applicability (IA) | Claims 1-13 | YES |
| | Claims _____ | NO |

2. Citations and explanations

The claims 1,4,7-9 are objected under the PCT Rule 66.2(ii).

Document 1 refers to an optical driver and a method for distinguishing disc type inserted in this driver. It discloses to take the frequency of the wobble signal in DVD, and make them through two branches of the BPFs that the centre frequency of one is 140KHz, the other's is 810KHz, respectively, and then, through a PLL or a level detection circuit respectively, and judging the DVD is DVD-ROM, DVD-RW or DVD+RW depending on this result.

Document 1 does not describes that determining the DVD's type according to the frequency of wobble signal directly, and only describes that it's judging the DVD's type depending on which BPF's output is stronger, and at the same time, the signal strength must beyond a certain value. But this difference does not make a inventive step for the skill in the art. So, the claims 1 and 7 lack of inventive step.

Claims 4,8 and 9 further limit the method about how to calculate the frequency of the wobble signal, but obviously, whenever using 1 circle, 2 circle, the inner circle, it is ease to take the frequency of the wobble signal. So, the dependent claims 4,8 and 9 which are dependent on the independent claims 1 and 7 respectively are lack of inventive step.

WRITTEN OPINION OF THE
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International application No.
PCT/CN2004/001409

Box No. VI Certain documents cited

1. Certain published documents(Rules43bis.1 and 70.10)

| Application No. Patent No. | Publication date (day/month/year) | Filing date (day/month/year) | Priority date (valid claim) (day/month/year) |
|-------------------------------|--------------------------------------|---------------------------------|---|
| CN,A,1348181 | 8.May.2002 (08.05.2002) | 21.Sep.2001 (21.09.2001) | 22.Sep.2000 (22.09.2000) |

2. Non-written disclosures(Rules43bis.1 and 70.9)

| Kind of non written disclosure | Date of non -written disclosure (day/month/year) | Date of written disclosure referring fo non-written disclosure (day/month/year) |
|--------------------------------|---|---|
|--------------------------------|---|---|